



State Capitol  
Lansing, Michigan 48913  
517/373-7888  
1-888-937-4453  
517/373-2983 (fax)  
sengjacobs@senate.michigan.gov

**GILDA Z. JACOBS**  
**MICHIGAN SENATE**  
**ASSISTANT DEMOCRATIC FLOOR LEADER**  
**FOURTEENTH DISTRICT**

Committees  
Economic Development, Small  
Business and Regulatory Reform VC  
Families and Human Services VC  
Government Operations  
Health Policy

# The Jacobs Report

**FOR IMMEDIATE RELEASE**  
**Friday, November 7, 2003**

**CONTACT: Matt Levin**  
**(517) 373-7888**

---

## **SENATE OVERRIDE OF 'PARTIAL-BIRTH' BILL UNLIKELY**

The narrow election of Lansing Mayor Tony Benavides on Tuesday over Senator Virg Bernero (D-Lansing) essentially ended any possibility of a successful override to Governor Granholm's veto of Senate Bill 395. The bill would outlaw a procedure labeled by its foes as "partial-birth" abortion.

Had Mr. Bernero won and subsequently vacated his Senate seat for mayor, the number of override votes needed in the Senate would have temporarily fallen to 25 from the now required 26. The Governor would have called a special election to fill his seat, but Democrats would be shorthanded for months until the process could be completed. And although the seat leans Democratic, there was no guarantee that Bernero's successor would come from his party.

Now that there is little chance for the override, abortion opponents said they will begin plans to enforce the restrictions through an initiative petition.

Right to Life was fairly confident they could pull off an override had Mr. Bernero won the mayoral election. Twenty-five senators supported SB 395 when it last passed the chamber. The 74 votes needed for an override in the House were already in place.

Sen. Michelle McManus (R-Lake Leelanau), sponsor of SB 395, denied that the Lansing election changed the status of the override attempt. "There was no waiting on any particular event," she said.

Asked if there were enough Senate votes with Bernero intact, she said, "In the Senate you vote when you have the votes."

But Ed Rivet of Right to Life of Michigan disagreed. "We think for all practical purposes a legislative override has probably evaporated," he said.

He said that planning is now underway for a ballot drive, what he called, "the people's override." He hopes to have petitions to the Board of State Canvassers for review later this year, with petition signature collection beginning in January.

Under Michigan's constitution, when initiative signatures are collected and certified, the Legislature has 40 days to enact or reject the legislation. If rejected, or not acted on, the measure goes to the ballot.

According to the Bureau of Elections, an initiative petition has to have 254,206 valid signatures of registered voters to be certified. The signatures have to be collected within a 180-day period and have to

--more--

be submitted by May 26 if the proposal is to go on the ballot.

But Mr. Rivet said since there is no expectation the proposal will need to go on the ballot, the organization can pick a 180-day period of its own choosing.

“You can presume that on the day we launch the petition drive we'll have majorities of 56 and 20” he said, referring to the number of votes needed in the House and Senate to pass a bill under those circumstances. Such a bill is not subject to a veto.

Abortion opponents cite a situation from 1990, when Michigan's law requiring parental consent for an abortion by a minor was enacted over then-Governor James Blanchard's veto via the initiative route.

Sue Wagner of Planned Parenthood Affiliates of Michigan said abortion rights supporters would have to review the initiative to determine their course of action.

If the language of the initiative is exactly the same as SB 395, then the groups may challenge the measure in court, she said.

But she also held out the possibility of a referendum on the legislation if it is adopted.

Even though President George W. Bush on Wednesday signed federal legislation (it was later temporarily stayed by a federal court order) outlawing partial birth abortions, Mr. Rivet said SB 395 or its equivalent is needed because it is a different approach. Legal scholars in several states have contacted Michigan to ask about the bill.

The measure bans the dilation and extraction method of abortion by defining birth as occurring at any point when any portion of a live fetus passes the vaginal plane. The bill does allow a procedure to occur in cases where a mother's health could be jeopardized, “and any harm to the perinate was incidental to treating the mother and not a known or intended result of the procedure performed.”

#### **MORE GOP TAX CUTS COULD COST STATE \$500 M.**

A major package of industrial revitalization bills trumpeted by legislative Republicans could cost the state \$500 million in revenues, Treasurer Jay Rising told a Senate panel Thursday. Sen. Jason Allen (R- Traverse City), chair of the committee, said he was sensitive to the state's budget problems, “but more important is keeping Michigan's industrial base.” Mr. Allen also stated that he felt the cost may be worth the risk.

But Mr. Rising said with a better than \$900 million budget deficit staring at them, the Legislature should proceed cautiously. Even if the price tag on the package is dropped to \$75 million, “the idea of working with \$75 million more in cuts” should give them pause, he said.

Much of the package specifically targets the tool and die industry. Mr. Rising did not dispute that the tool and die industry is hurting desperately, but given our current economy, the question may be “who isn't hurting?” And, “Should the Legislature be picking tax winners and losers?”

Unlike the Michigan Economic Growth Authority (MEGA), Mr. Rising said that this package was not a focused, targeted program that carries with it guarantees of job growth. The large-scale tax cuts in the package would be “less efficient” than MEGA, would cost the already cash-strapped state an enormous

amount of money and would have no guarantee of success in developing jobs.

“There is much less likelihood we would see a return anytime soon,” Mr. Rising said.

Local governments were also weary of SB 811, which would deal with exempting special tools used by companies from property taxes. Phil Mastin of Warren said the bill could cost the city another \$3.2 million in tax revenues, which would equate to laying off 31 city workers.

Sen. Nancy Cassis (R-Novi), sponsor of the bill, said it was not her intent to have the measure add to state costs.

Tricia Kinley of the Michigan Chamber of Commerce, concurred. “Our intent was to have zero cost,” she said

Even so, Republican leadership expects to move SB 811 expeditiously through both houses. Senate Majority Leader Ken Sikkema (R-Wyoming) said he hoped the entire package will be on Governor Jennifer Granholm's desk by mid-December.

**State Senator Gilda Jacobs** represents the 14<sup>th</sup> Senate District, which includes Beverly Hills, Bingham Farms, Farmington, Farmington Hills, Ferndale, Franklin, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge, Royal Oak Township, Southfield, and Southfield Township. She is the Minority Vice Chair of the Families & Human Services Committee and the Economic Development, Small Business & Regulatory Reform Committee. She also serves on the Government Operations and Health Policy Committees.

**Constituents of the 14<sup>th</sup> District may contact Senator Jacobs at [sengjacobs@senate.michigan.gov](mailto:sengjacobs@senate.michigan.gov) or toll-free at 1-888-937-4453.**

This newsletter is produced in single-space form in order to save paper and transmission costs.

###